

VETOED BY THE GOVERNOR

THE BILL GIVING AUTOCRATIC POWER
TO PRESIDENT TAFT

Gov. Flower Says that the Bill is Dangerous in Principle, and He Quotes from Farnett Committee's Report and from Report of the Tilden Municipal Commission, Which Included Mr. Gould and Carter, in Support of His Views—Shaw's Salary Bill and Dock Bill Signed.

of New York city power to remove heads of departments. In his veto the Governor said:

"This bill is so short that I incorporate its provisions in full in this memorandum of dissent and assent."

Section 1.—At any time within sixty days after commencement of his term of office each Mayor of New York hereafter elected may remove from office any head of department and appoint his successor. Such successor shall hold office until removed according to the provisions of this section. Any officer of the Mayor who appointed him, and until his successor is appointed and qualified. Nothing herein contained shall be construed as affecting the power of the Mayor to remove any head of department at pleasure.

"It will be observed that it is not an amendment of the charter of New York. It does specify the heads of departments which are affected, but includes them all in its sweep clause. It does not directly change the term of office of any head of department as defined by law. But indirectly, though none the less directly, it does so. It takes away from the head of each municipal department to remove, unless the officer is allowed to serve his full term by the favor of the Mayor. It reads there is a public dispute as to whether the bill affects elective heads of departments, the Comptroller, and while it is admitted by friends of the bill that the measure must be passed whether the Mayor is allowed to leave to the courts the determination of a very important question. The fact that it contravenes as to the meaning of the bill has

My objection to the bill, however, does rest upon the ambiguity of its provisions, upon the dangerous principles which they embody. They make the Mayor of New York autocrat—the heads of municipal departments merely his puppets. They destroy the present system of checks and balances in municipal administration—a system designed that of the State Government, to protect people from wholesale abuses by had effect. By giving to the Mayor, as the bill would controlling influence in the Board of Estimate and Apportionment, it would place under absolute control the expenditure of between

thirty and forty millions of dollars annually in power which, if so disposed, he could use for the basest personal or political ends. It would bring every branch of department into an active state for the spoils of office, for every officer would know that upon the election of his candidate for Mayor would depend his own retention in office. The 'spoils' idea is too much a feature of our municipal politics to be removed. The law that requires the city service of the Mayor would be a first step towards the spoils system. It would be a disincentive in local campaigns, and reform in municipal government would receive a setback. It is no answer to say that under such a law the people would be more likely to select a capable man for Mayor. The people

now conferred upon the Mayor of New York are sufficiently broad to incite the liveliest interest among all good citizens in the question of who that Mayor should be, and the best citizenship is that which is alive every day in the year and at every election, and not the kind which is bottled up for occasional explosion.

"In this opinion as to the danger of conferring such arbitrary powers upon a Mayor sustained by authority which both class and advocates of this bill must respect, C.

authority is the so-called Rasetti investigation committee of 1890 and 1891. After a careful and comprehensive investigation of the workings of the municipal Government of New York that committee, in its report to the Legislature, made many recommendations, but none of these involved the feature of a bill. Indeed, on this question the committee said: 'We do not believe in making the Mayor an autocrat.' But even more distinguished authority is that of the famous Tilden Municipal

ant commission of 1876 and 1877, whose members were the first to be elected by the people. This Commission consisted of James C. Carter, now President of the City Club of Chicago, and two other distinguished editors of metropolitan newspapers: William M. Evans, Simon Stern, and others. The members of their able disinterested and impartial governing commission said with reference to the suggestion of conferring very extensive powers upon the Mayor, "that it would be almost certain that the corrective proposed by frequent popular elections of its intended effect, for the reason that such power that the people are unable to discern the effect of the proposed change in the Mayor's office. The remedy suggested is in complete harmony with the spirit of the suggestion of the popular executive officer, and then to vest in the Mayor appointed the control of the business of raising

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"I have quoted at length from the report of this distinguished commission for the reason that its conclusions upon this subject so far coincide with my own and are so particularly appropriate in the discussion over this bill. How much more forcible are they to-day, when the city's expenditures reach nearly \$1,000,000 annually, than when they were \$200,000 in 1890."

Perhaps I have taken too much for granted. I am aware that the bill is regarded generally as one urged from political motives rather than from an honest desire to secure good government. It is true that the bill was rushed through the Legislature by the spur of the moment because the Legislature refused to pass its provisions applicable to other cities of the State thereby exposing the insincerity of the bill's supporters, and that it was opposed almost unanimously by the representatives of the city of New York in the Legislature. But inasmuch

as the principle of the bill has been attacked by members of various reform organizations in New York, the honesty of whose motives of course I avoid suspicion. I have thought best to ignore the political aspect of the bill and confine myself solely to its substantial faults. I am convinced, with Messrs. Carter, Ottendorfer, Goldkin and the other members of the Tilden Commission, that the way to secure good government is not by the
